FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

DISTRICT :

WRIT PETITION NO.688 OF 2007

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.Shetye i/b.M/s.B.Amin & Co. for the Petitioner.

Ms.Mhaispurkar, A.G.P. for the Respondent No.1.

Mr.A.N.Patel for the Respondents.

CORAM : S.J.VAZIFDAR, J.
DATED : 29TH JANUARY, 2007

P.C:

Rule. Rule made returnable forthwith and heard.

2. Respondent No.2 appeared in person. Respondent No.2 clarified that the evidence he proposes leading is not in place and instead of the opponent. He states that his evidence is strictly in accordance with the judgment of the Supreme Court in *Janki Vashdeo Bhojwani & Anr. v. Indusind*

Bank Ltd. & Ors., (2005) 2 Supreme Court Cases, 217 and, in particular, paragraphs 13 and 18 thereof.

3. In that view of the matter, it is clear that he will be deposing for the opponent in respect of such acts as may have been performed in exercise of the power of attorney granted to him, in respect of which he has personal knowledge and as a witness in his personal capacity.

4. With the above clarification, the rule is made absolute and the Writ Petition to stand disposed of.

5. Certified copy expedited.